

CHAPTER 8: CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP
OF PUBLIC COMMUNITY~~[/JUNIOR]~~ COLLEGE DISTRICTS

SUBCHAPTER A. DEFINITIONS

Section

8.1. Definitions.

8.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Appropriate authorities (for the purposes of certification of the petition)--The independent school district board of trustees, county school board or boards, or commissioners' court or courts as outlined under Section 8.30 of this title (relating to Legality of the Petition).

(2) Board or coordinating board--The Texas Higher Education Coordinating Board.

(3) Branch campuses of community~~[/junior]~~ college districts--Operate as out-of-district units of existing community~~[/junior]~~ college districts and provide programs as defined in Texas Education Code, Chapter 130 and set out in Section 8.25 of this title (relating to Provisions Applicable to Each Type of District) on an ongoing and permanent basis.

(4) Certificate programs--Workforce programs designed for entry-level employment or for upgrading skills and knowledge within an occupation. Certificate programs serve as building blocks and exit points for associate of applied science degree programs.

(5) Commissioner of higher education or commissioner--The chief executive officer of the Texas Higher Education Coordinating Board.

(6) Continuing education unit or CEU--Ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education.

(7) Extension center or extension facility--Any single or multiple location other than the main campus of a community~~[/junior]~~ college district and outside the boundaries of the taxing authority of a community~~[/junior]~~ college district. Extension centers and extension facilities are subject to Chapter ~~4~~ [5], Subchapter ~~E~~ [H] of this title (relating to Approval of Distance Education ~~[Learning]~~ and Off-Campus Instruction for Public Colleges and Universities).

(8) Full-time equivalent students (FTE)--The total number of semester credit hours reported by an institution for a long term divided by 15 semester credit hours, or total reported annually divided by 30; and for continuing education courses, the total number of contact hours reported quarterly by an institution divided by 300, or total reported annually divided by 900.

(9) Governing board--The body charged with policy direction of any public community[~~junior~~] college district, the technical college system, public state college [~~lower division institutions~~], public senior college or university, or other educational agency, including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards.

(10) Gross fiscal mismanagement--Includes:

- (A) failure to keep adequate fiscal records;
 - (B) failure to maintain proper control over assets;
 - (C) failure to discharge fiscal obligations in a timely manner;
- and
- (D) misuse of state funds.

(11) Inactive public community[~~junior~~] college--A public community[~~junior~~] college district that has failed to establish and maintain a community[~~junior~~] college within three years from the date of its authorization.

(12) Public community college--Any public junior college or public community college as defined in Texas Education Code, Sections 61.003 and 130.005, and whose role, mission, and purpose is outlined in Texas Education Code, Sections 130.0011 and 130.003.

(13)[(12)] Scholastic population of a proposed community[~~junior~~] college district--All students enrolled in K-12 for the area to be included in the district.

(14)[(13)] State conservatorship board--Appointed by the Governor with the consent of the Senate and has the authority, when appointed as conservator of an agency, to:

- (A) terminate the employment of any employee whose conduct the board determines contributed to the condition that caused the conservatorship;
 - (B) employ personnel for the agency;
 - (C) change the agency's organization or structure as necessary to alleviate the conditions that caused the conservatorship;
- and
- (D) contract with persons for management or administrative services necessary to effect the conservatorship.

(15)[(14)] Technical courses or programs--Workforce education courses or programs for which semester/quarter credit hours are awarded.

(16)[(15)] Vocational courses or programs--Workforce education courses or programs for which continuing education units (CEUs) are awarded.

(17)[(16)] Workforce continuing education course--A course offered for continuing education units (CEUs) with an occupationally specific objective and supported by state funding. A workforce continuing education course differs from a community service course offered for recreational or avocational purposes and is not supported by state funding.

(18)[(17)] Workforce education--Technical courses and programs for which semester/quarter credit hours are awarded, and vocational courses and programs for which continuing education units are awarded. Technical and vocational courses and programs prepare students for immediate employment or job upgrade within specific occupational categories.

CHAPTER 8: CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP
OF PUBLIC COMMUNITY~~[/JUNIOR]~~ COLLEGE DISTRICTS

SUBCHAPTER B. CREATION OF A PUBLIC COMMUNITY~~[/JUNIOR]~~
COLLEGE DISTRICT

Section

- 8.21. Purpose.
- 8.22. Authority.
- 8.23. A Community~~[/Junior]~~ College District Coextensive with an Independent School District or a Union Community~~[/Junior]~~ College District.
- 8.24. A Single-County or a Joint-County Community~~[/Junior]~~ College District.
- 8.25. Provisions Applicable to Each Type of District.
- 8.26. Creation of a Local Steering Committee.
- 8.27. Application Procedures.
- 8.28. Conduct of a Local Feasibility Study and Survey.
- 8.29. Circulation of the Petition.
- 8.30. Legality of the Petition.
- 8.31. Presentation of the Certified Petition to the Board.
- 8.32. Standards and Board Procedure for Approval.
- 8.33. Action and Order of the Board.
- 8.34. Calling the Election; Submission of Questions.
- 8.35. Election.
- 8.36. Resubmissions of Applications.

8.21. Purpose.

This subchapter outlines the process the Coordinating Board shall use in determining the need for a new public community~~[/junior]~~ college district, and provides specific procedures communities are to follow in requesting approval from the Board for the creation of a public community~~[/junior]~~ college district and the holding of an election to establish the district.

8.22. Authority.

Texas Education Code, Sections 61.051(b)(c), 61.053, 61.060, 61.061, 61.062, 130.001, 130.003, and 130.004, and Chapter 130, Subchapter B and C, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the creation of public community~~[/junior]~~ college districts. The provisions direct the Board to determine the need for the public community~~[/junior]~~ college district and the ability of the jurisdiction to provide adequate local financial support. The Board shall determine whether programs in the proposed institution will create unnecessary duplication or seriously harm programs in existing community~~[/junior]~~ college districts. The Board must consider the needs and welfare of the state as a whole, as well as the welfare of the community involved, when authorizing the creation of a community~~[/junior]~~ college district.

8.23. A Community~~/Junior~~ College District Coextensive with an Independent School District or a Union Community~~/Junior~~ College District.

(a) A community~~/junior~~ college district may be established by:

(1) any independent school district or city which has assumed control of its schools;

(2) any city which has assumed control of its schools;

(3) two or more contiguous common school districts; or

(4) a combination composed of one or more independent schools districts with one or more common school districts of contiguous territory.

(b) The proposed community~~/junior~~ college district must have a minimum assessed valuation (as defined in the Texas Tax Code, Chapter 1, Section 1.004) of not less than \$2.5 billion and a total scholastic population of not less than 15,000 in the school year preceding the date of the Letter of Intent as set out in Section 8.27 of this title (relating to Application Procedures) for the proposed community~~/junior~~ college district. A petition for an election to create a district of this type must be signed by not less than 10 percent of the qualified voters in the proposed district.

8.24. A Single-County or a Joint-County Community~~/Junior~~ College District.

(a) A county community~~/junior~~ college district may be established by any county in the state. The proposed community~~/junior~~ college district must have a minimum assessed valuation (as defined in the Texas Tax Code, Chapter 1, Section 1.004) of not less than \$2.5 billion, and a total scholastic population of not less than 15,000 in the school year preceding the date of the Letter of Intent as set out in Section 8.27 of this title (relating to Application Procedures) for the proposed community~~/junior~~ college district. A petition for an election to create a district of this type must be signed by not less than 10 percent of the qualified voters of the county.

(b) A joint-county community~~/junior~~ college district may be established by any combination of contiguous counties in the state. The proposed community~~/junior~~ college district must have a minimum assessed valuation (as defined in the Texas Tax Code, Chapter 1, Section 1.004) of not less than \$2.5 billion, and a total scholastic population of not less than 15,000 in the school year preceding the date of the Letter of Intent as set out in Section 8.27 of this title (relating to Application Procedures) for the proposed community~~/junior~~ college district. A petition for an election to create a district of this type must be signed by not less than 10 percent of the qualified voters of each of the counties in the proposed district.

8.25. Provisions Applicable to Each Type of District.

The following additional provisions are applicable to each type of proposed community~~/junior~~ college district:

(1) The proposed community[~~junior~~] college must be planned as a comprehensive two-year institution primarily serving its local taxing district and service area (as defined in the Texas Education Code, Chapter 130, Subchapter J), offering:

- (A) technical programs up to two years in length leading to associate degrees or certificates;
- (B) vocational programs leading directly to employment in semi-skilled and skilled occupations;
- (C) freshman and sophomore courses in arts and sciences, including the state-mandated core curriculum;
- (D) continuing adult education programs for occupational or cultural upgrading;
- (E) compensatory education programs designed to fulfill the commitment of an admissions policy allowing the enrollment of disadvantaged students;
- (F) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals;
- (G) workforce development programs designed to meet local and statewide needs;
- (H) adult literacy and other basic skill programs for adults; and
- (I) such other programs as may be prescribed by the Coordinating Board or local governing boards in the best interest of postsecondary education in Texas.

(2) Substantial evidence must be presented indicating that the proposed community[~~junior~~] college shall reach a minimum enrollment of 1,000 full-time equivalent students within three years of the date of its authorization.

(3) Evidence must be given that the proposed community[~~junior~~] college district shall be eligible to receive a proportionate share of the legislative appropriation for public community[~~junior~~] colleges. Eligibility criteria for legislative appropriations are set out in Texas Education Code, Section 130.003.

8.26. Creation of a Local Steering Committee.

(a) A local group of citizens interested in establishing a community[~~junior~~] college district shall appoint a Steering Committee of at least seven citizens to provide leadership on behalf of the community[~~junior~~] college effort.

(b) The Steering Committee shall be composed of a cross-section of the population in the area, with representation from major civic groups and business and industry. A chair, co-chair, and secretary shall be appointed, along with any other officers who may be of assistance to the committee. Where the proposed community[~~junior~~] college district is to be coextensive with the independent school district, the local board of trustees may serve as the Steering Committee.

(c) The duties of the Steering Committee shall include the following:

- (1) serve as liaison between the local community and the Board;

(2) be responsible for conducting a feasibility study and survey of the needs and potential for a community~~[/junior]~~ college district in the area;

(3) provide information to the community which, at a minimum, describes the role, mission, and purpose of a public community~~[/junior]~~ college;

(4) summarize and evaluate the results of the feasibility study and survey and formulate conclusions for submission to the Commissioner;

(5) prepare and circulate a petition for an election to establish a community~~[/junior]~~ college district; and

(6) present the appropriately signed petition as set out in Section 8.30(a) of this title (relating to Legality of the Petition) for certification in compliance with the Texas Education Code, Sections 130.012, or 130.033, 130.034, and 130.035.

8.27. – 8.28. No changes.

8.29. Circulation of the Petition.

(a) The Steering Committee shall be responsible for the circulation of a petition for authorization of an election to establish a community~~[/junior]~~ college district. At a minimum, the petition shall include: the amounts of proposed bonds, bond tax rate ceiling to be proposed, and maintenance tax limits (not to exceed the limits provided in the Texas Education Code, Section 130.122) that shall appear on the ballot in the event an election is authorized.

(b) The petition must incorporate all requirements as set forth in the Texas Election Code, Chapter 277.

8.30. Legality of the Petition.

(a) After the petition has been circulated among the electorate and has been signed by not less than 10 percent of the qualified electors of the proposed district, the petition shall be verified by the appropriate authorities who have the duty of verifying the legality of the petition.

(1) In the case of community~~[/junior]~~ college district coextensive with an independent school district or city which has assumed control of its school, the petition shall be presented to the school district's board of trustees.

(2) In the case of a union, single-county, or joint county community~~[/junior]~~ college district, the petition shall be presented to the county school board if the proposed district encompasses a single county, or county school boards of the respective counties if the proposed district encompasses more than one county. If there is no county school board or school boards, the petition shall be presented to the commissioners' court(s) of the county or counties involved.

(b) It shall be the duty of the appropriate authorities to pass upon the legality of the petition and the genuineness of the same.

8.31. – 8.32. No changes.

8.33. Action and Order of the Board.

(a) Board action on the request for approval to hold an election to create a public community~~/junior~~ college district shall be taken at the next quarterly Board meeting. In making its decision, the Board shall consider the needs of the community, the potential impact on other institutions of higher education, and the welfare of the state as a whole.

(b) A resolution shall be entered in the minutes of the Board and conveyed in writing by the Commissioner to the Steering Committee.

8.34. Calling the Election; Submission of Questions.

If the Board authorizes an election to establish a community~~/junior~~ college district, it shall then be the duty of the district or city school board or the commissioners' court or courts to enter an order for an election to be held in the proposed district at the next authorized election date as provided in the Texas Election Code, Section 41.001, to determine whether or not such community~~/junior~~ college district be created and formed, and to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes in the event the district is created. The order shall contain a description of the independent school district or districts, county or counties whose boundaries shall be coextensive with the community~~/junior~~ college district to be formed, and fix the date of the election.

8.35. Election.

A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the community~~/junior~~ college district submitted in the order, the election of the original trustees, and the questions of issuing bonds and levying taxes. A majority of the electors voting in such election shall determine such questions submitted in the order.

8.36. Resubmissions of Applications.

Should an election to create a new community~~/junior~~ college district fail, a period of 12 months must elapse before resubmission of the proposition to the Board. The Board shall require a strong showing of need and unusual circumstances before approving resubmission before the 12 months have elapsed.

CHAPTER 8: CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP
OF PUBLIC COMMUNITY~~[JUNIOR]~~ COLLEGE DISTRICTS

SUBCHAPTER C. DISSOLUTION OF AN INACTIVE PUBLIC COMMUNITY~~[JUNIOR]~~
COLLEGE DISTRICT

Section

- 8.51. Purpose.
- 8.52. Authority.
- 8.53. Initiation of Consideration of Action.
- 8.54. Action by the Board.
- 8.55. Protest; Notice of Protest.
- 8.56. Action and Order of the Board.

8.51. Purpose.

This subchapter sets out the procedures for dissolution by the Coordinating Board of an inactive community~~[junior]~~ college district which has failed to maintain or establish a community~~[junior]~~ college within three years from the date of its authorization.

8.52. No change.

8.53. Initiation of Consideration of Action.

(a) An action to dissolve an inactive public community~~[junior]~~ college district may be initiated:

- (1) by the Commissioner of Higher Education;
- (2) by petition signed by ten or more voting-eligible citizen residents in the district and delivered to the Commissioner;
- (3) by a member of the Texas Legislature; or
- (4) by any other party or individual authorized by the Commissioner.

(b) The Commissioner shall provide timely written notice of an action to dissolve an inactive public community~~[junior]~~ college district to the chair of the governing board of the district.

8.54. Action by the Board.

(a) At its next scheduled meeting following initiation of an action to dissolve an inactive district, the Coordinating Board may pass a resolution dissolving the inactive public community~~[junior]~~ college district. The resolution must set forth:

- (1) the legal history of the district, including the date of authorization, period of inactivity, and dissolution;

(2) the outstanding obligations of the district, if any, of which the Board has knowledge;

(3) the territory of the district; and

(4) the cause in dissolution.

(b) The resolution dissolving the inactive public community[~~junior~~] college district shall be entered in the minutes of the Board and conveyed in writing by the Commissioner to the governing board or responsible officials of the affected district.

8.55. Protest; Notice of Protest.

(a) Written protest of an action to dissolve an inactive public community[~~junior~~] college district must be delivered to the Commissioner and may be made by:

(1) any voting-eligible citizen resident in the inactive district;

(2) any person, business, corporation, or governmental body holding bonds, debts, or valid contracts with the district;

(3) any member of the Coordinating Board; or

(4) any member of the governing board of the inactive district.

(b) Notice of protest must be sent to the Commissioner within 30 days after the date of the quarterly Coordinating Board at which the resolution to dissolve the inactive community[~~junior~~] college district was passed. If no timely protest is received, the resolution shall become final without further Board action on the 31st day after the quarterly board meeting at which the resolution was passed.

8.56. Action and Order of the Board.

(a) If a timely protest is made to the Commissioner, the Board shall consider it at its next quarterly meeting following filing of the notice of protest. The Board may:

(1) hear cause for not dissolving the district;

(2) delay consideration until all affected parties have been heard;

(3) abandon consideration of the matter without action; or

(4) affirm the dissolution.

(b) The Board's decision regarding the protest shall be recorded in the minutes of the meeting and notice of the decision shall be sent by the Commissioner to the party filing the protest and to the chair of the governing board of the district.

CHAPTER 8: CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP
OF PUBLIC COMMUNITY~~[JUNIOR]~~ COLLEGE DISTRICTS

SUBCHAPTER D. FORMATION OF A BRANCH CAMPUS

Section

- 8.71. Purpose.
- 8.72. Authority.
- 8.73. Provisions for Conversion of an Out-of-District Extension Center or Extension Facility to a Branch Campus.
- 8.74. Application and Approval Procedures.
- 8.75. Action and Order of the Board.
- 8.76. Reclassification.

8.71. No change.

8.72. Authority.

Texas Education Code, Sections 61.051(c), 61.053, 61.061, 61.062(c)-(d), 130.001(b)(3)-(4), 130.086, and 130.087, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to provide rules and regulations for a public community~~[junior]~~ college district to operate such a campus.

8.73. Provisions for Conversion of an Out-of-District Extension Center or Extension Facility to a Branch Campus.

The governing board of a community~~[junior]~~ college district may establish and operate a branch campus through conversion of an extension center or extension facility, provided that each course and program has been approved and is subject to the continuing approval of the Coordinating Board.

8.74. Application and Approval Procedures.

(a) The governing board of a community college district requesting authority to convert an out-of-district center/facility to a branch campus must submit a Letter of Application to the Commissioner.

(b) A self-study must be performed by the district to assess whether the proposed branch campus meets the criteria outlined below. The self-study and the extension center or extension facility shall be reviewed by a Board-appointed team, a majority of which should be community college presidents, for the purposes of documenting that it meets the following standards and criteria for quality instruction and support services, as required by the Commission on Colleges of the Southern Association of Colleges and Schools and Coordinating Board rules and regulations:

(1) Role and Mission; Purpose. In its program aspects, a branch campus shall be equivalent to a public community~~[junior]~~ college. Therefore, the branch campus must provide:

- (A) technical programs up to two years in length leading to associate degrees or certificates;
- (B) vocational programs leading directly to employment in semi-skilled and skilled occupations;
- (C) freshman and sophomore courses in arts and sciences, including the state-mandated core curriculum;
- (D) continuing adult education programs for occupational or cultural upgrading;
- (E) compensatory education programs designed to fulfill the commitment of an admissions policy allowing enrollment of disadvantaged students;
- (F) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals;
- (G) work force development programs designed to meet local and statewide needs;
- (H) adult literacy and other basic skills programs for adults;
- and
- (I) such other purposes as may be prescribed by the Coordinating Board or local governing boards in the best interest of postsecondary education in Texas.

(2) Programs and Courses. All courses, programs, and degrees shall be offered in the name of the parent district, and shall be subject to the following criteria:

- (A) Courses and programs must meet the role, mission, and purposes described in paragraph (1) of this subsection.
- (B) Courses and programs must be developed and operated with the on-going assistance and involvement of the parent district faculty and staff.
- (C) Instructional faculty credentials, full-time/part-time faculty ratios, teaching loads, faculty performance evaluation and effectiveness, student accessibility to faculty, etc., must be reviewed to ensure that these elements contribute to the quality of courses and programs offered.

(3) Description of Staffing Plan. There must be sufficient academic and student support staff to meet the needs of faculty and students at the branch campus.

(4) Funding.

- (A) The branch campus shall be supported either by means of a branch campus maintenance tax as set forth in Chapter 8, Subchapter E, of this title (relating to Branch Campus Maintenance Tax), or by local sources of community and/or economic support.
- (B) If a local tax is not levied, local sources of support must be furnished at a level sufficient to provide adequate facilities needed at the proposed branch campus location. "Facilities" include the operation and

maintenance of the physical plant including any rehabilitation and repairs. Local sources of support may be "in kind."

(C) Appropriate accounts which comply with generally accepted accounting principles for the branch campus must be kept and financial reports submitted as required for community[~~junior~~] college districts.

(D) State aid shall be earned according to appropriated formula rates.

(5) Regional Higher Education Council Review and Certification. The Regional Higher Education Council within which the proposed branch campus is to be located must review the branch campus request only if the proposed branch campus is within a shared service area designated by statute. Member institutions must discuss the proposal with all Councils affected and the minutes shall reflect the discussions. If appropriate, a recommendation for approval or disapproval shall be submitted to the Commissioner, but shall not be binding on the Commissioner or the Board.

(c) The Board's Committee on **Institutional Effectiveness and Excellence** [~~Community and Technical Colleges~~] may conduct one or more public hearings on the proposed branch campus to:

(1) assess public sentiment regarding the proposed branch campus;

(2) determine whether programs in the proposed branch campus will create unnecessary duplication or seriously harm programs in existing community[~~junior~~] college districts or other institutions of higher education in the area; and

(3) assess the potential impact of the proposed branch campus on existing community[~~junior~~] colleges or other institutions of higher education in the area and on the State of Texas.

(d) After the self-study as outlined in subsection (b) of this section, has been reviewed and a site visit conducted by Board staff, a report from the Board staff shall be submitted to the Commissioner indicating whether the criteria as set out in subsection (b) of this section, have been met. The report shall include a recommendation for approval or denial of the request for the establishment of the proposed branch campus, but shall not be binding on the Commissioner or the Board.

8.75. Action and Order of the Board.

(a) Board action on the request for approval for establishment of the branch campus shall be taken at the next regularly scheduled quarterly Board meeting. In making its decision, the Board shall consider the needs of the district, the needs of the community served by the proposed branch campus, the potential impact on other institutions of higher education, and the welfare of the state as a whole.

(b) A resolution shall be entered in the minutes of the Board and conveyed in writing by the Commissioner to the governing board of the community~~[/junior]~~ college district.

(c) Branch campus designation shall be used only upon approval by the Board.

(d) If the Board approves establishment of a branch campus, the governing board of the community~~[/junior]~~ college district may accept or acquire by purchase or rent land and facilities in the name of said institution.

(e) Board-approved branch campus sites shall be considered as auxiliary locations for the purposes of the Board's distance learning rules and regulations as outlined under Chapter 4 [5], Subchapter E [H] of this title (relating to Approval of Distance Education [Learning] and Off-Campus Instruction for Public Colleges and Universities).

8.76. Reclassification.

The Board may withdraw approval for a branch campus whenever the Board

(1) approves the establishment of a community~~[/junior]~~ college district which includes the site of the branch campus (Such local effort shall be reviewed by the Board according to the criteria as set forth in Subchapter B of this title {relating to the Creation of a Public Community~~[/Junior]~~ College District} as to the feasibility of establishing a separate community~~[/junior]~~ college district),

(2) approves the merger of the out-of-district area which includes the site of the branch campus with the parent district, or

(3) determines that the community~~[/junior]~~ college district has failed to maintain the standards and criteria of Board rules and regulations at the branch campus.

CHAPTER 8: CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP
OF PUBLIC COMMUNITY~~[JUNIOR]~~ COLLEGE DISTRICTS

SUBCHAPTER E. BRANCH CAMPUS MAINTENANCE TAX

Section

- 8.91. Purpose.
- 8.92. Authority.
- 8.93. Creation of a Local Steering Committee.
- 8.94. Application Procedures.
- 8.95. Conduct of a Local Feasibility Study and Survey.
- 8.96. Circulation of a Petition.
- 8.97. Legality of the Petition.
- 8.98. Presentation of a Certified Petition to the Board.
- 8.99. Standards and Board Procedure for Approval.
- 8.100. Action and Order of the Board.
- 8.101. Calling the Election.
- 8.102. Election.
- 8.103. Resubmission of Applications.

8.91. Purpose.

This subchapter provides rules and regulations setting out the procedure by which a school district or county may levy a public community~~[junior]~~ college district branch campus maintenance tax. The amount of a branch campus maintenance tax shall not exceed five cents on each \$100 valuation of all taxable property in the jurisdiction.

8.92. – 8.93. No changes.

8.94. Application Procedures.

The Steering Committee and the community~~[junior]~~ college district that is planning the branch campus shall jointly file a Letter of Intent with the Commissioner as soon as practical. The staff of the Board shall offer advice and technical assistance to the Steering Committee under the direction of the Commissioner on procedures and requirements.

8.95. No change.

8.96 Circulation of a Petition

(a) In counties with a population of more than 150,000 [~~pursuant to the Texas Education Code, Section 130.087(b)~~], the Steering Committee shall be responsible for the circulation of a petition for authorization of an election to levy a public community~~[junior]~~ college branch campus maintenance tax. At a minimum, the petition shall include the maintenance tax limits that shall appear on the ballot in the event an

election is authorized. For counties with a population of 150,000 or less or an independent school district within a county with a population of 150,000 or less, no petition to propose an election for a branch campus maintenance tax is required to be submitted to the Board.

(b) The petition must incorporate all requirements as set forth in the Texas Election Code, Chapter 277.

8.98. Presentation of a Certified Petition to the Board.

(a) Upon submission of a petition for an election to authorize a branch campus maintenance tax to a governing body of an independent school district or county, the governing body may propose an election and submit to the Commissioner a feasibility study and survey. Upon approval by the Commissioner, the governing body may enter an order for an election.

(b) The governing body of a county with a population of 150,000 or less or an independent school district within a county with a population of 150,000 or less, on completion and approval of the feasibility study and survey by the Commissioner, on its own motion and without presentation and approval of a certified petition to the Board may order an election to authorize a branch campus maintenance tax.

(c) The governing body of an independent school district or county notwithstanding subsection (b) of this section, shall present a certified petition to the Commissioner who shall then present it to the Board for approval or disapproval.

(d) After the petition and any additional documentation or information are presented to the Commissioner, a minimum of 45 days must elapse between the date on which the petition and supporting documents are received by the Commissioner and the quarterly meeting of the Board when the Board will consider the petition.

CHAPTER 8: CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP
OF PUBLIC COMMUNITY~~[JUNIOR]~~ COLLEGE DISTRICTS

SUBCHAPTER F. CONSERVATORSHIP OF A PUBLIC COMMUNITY~~[JUNIOR]~~
COLLEGE DISTRICT

Section

8.121. Purpose.

8.122. Authority.

8.123. Mismanagement Finding; Conservatorship Order.

8.124. Compensation of a Conservator.

8.121. Purpose.

This subchapter outlines the procedures the Coordinating Board shall use with regard to the conservatorship of a public community~~[junior]~~ college.

8.122. Authority.

Texas Education Code, Sections 61.051(b)(c)(e), 61.053, 61.060, 61.061, 61.062, and 130.001 and the Government Code, Section 2104.031, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for action concerning the conservatorship of a public community~~[junior]~~ college when requested by the Governor and upon the advice and assistance of the State Auditor.

8.123. Mismanagement Finding; Conservatorship Order.

(a) On the Governor's request the Coordinating Board, with the advice and assistance of the State Auditor, shall determine if a condition of gross fiscal mismanagement exists at a public community~~[junior]~~ college.

(1) When a condition of gross fiscal mismanagement is suspected, the Board shall appoint a delegation to investigate the fiscal condition of the public community~~[junior]~~ college in question. The delegation shall include members of the Committee on Institutional Effectiveness and Excellence ~~[Community and Technical Colleges]~~ and Board staff. The Board shall request assistance from the State Auditor's Office to include one of its staff members as a member of the delegation.

(2) Based upon its review of the public community~~[junior]~~ college in the matter of gross fiscal mismanagement, the delegation as set out in subsection (1) of this section shall make a report to the Commissioner to include, if appropriate, a recommendation concerning conservatorship.

(3) The Commissioner shall make a report and recommendation concerning conservatorship to the Board for its consideration at the next quarterly Board meeting.

(b) If the Board finds a condition of gross fiscal mismanagement of a public community[~~junior~~] college, the Governor, by proclamation, may appoint a conservator as defined in the Texas Government Code, Section 2401.001 to act as conservator of the college.

8.124. Compensation of a Conservator.

(a) A conservator appointed by the Governor to act in this capacity is entitled to receive a salary for performing those duties that is equal to the salary of the chief administrative officer of the public community[~~junior~~] college under conservatorship, as well as reimbursement of other reasonable and necessary expenses incurred by the conservator.

(b) The public community[~~junior~~] college under conservatorship shall pay the salary and other reasonable and necessary expenses of the conservator from money appropriated or otherwise available to the institution, except to the extent that money to pay the salary is specifically appropriated or made available through the budget execution process for that purpose.